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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

AT 8:30
WILLIAM T. WALSH, CLERK

PATENT INFRINGEMENT AND RACKETEER INFLUENCE & CORRUPT ORGANIZATION (RICO)

Dr. George Pieczenik, Pro Se)	
Plaintiff)	CIVIL ACTION NO:
AstraZeneca Pharmaceuticals LP, AstraZeneca LP.,)	
Novo Nordisk, Inc., Antyra, Inc., Solvay Chemicals, Inc.,)	
Solvay Pharmaceuticals, Inc., Aventis Pharmaceuticals Inc.,)	<u>COMPLAINT</u>
Aventis Inc., Sanofi-Aventis U.S. Inc., Sanofi-Aventis U.S.)	
LLC, E.I. Dupont Denemours and Company, Medimmune)	
LLC, GlaxoSmithKline LLC, SmithKline Beecham)	
Corporation, Pharmacia Corporation, Pharmacia & Upjohn)	
Company LLC, Monsanto Ag Products LLC, Monsanto)	
Company and John Does 1 through 61.)	
Defendants)	

COMPLAINT FOR PATENT INFRINGEMENT AND RACKETEER INFLUENCE & CORRUPT ORGANIZATION (RICO) AND JURY DEMAND

For its complaint herein, Plaintiff alleges as follows:

THE PARTIES

1. Plaintiff, Dr. George Pieczenik ("Pieczenik") is a New Jersey resident, residing at 129 Kingwood-Locktown Rd, Stockton, N.J. 08559.
2. Upon information and belief, Defendant AstraZeneca Pharmaceuticals LP is a corporation incorporated under the laws of Delaware and has designated the Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, NJ 08628. It has a Main business address listed as 1800 Concord Pike, Wilmington, Delaware 19803. Its NJ Business ID number is 0600079369.
3. Upon information and belief, Defendant AstraZeneca LP. is a corporation incorporated under the laws of Delaware and has designated the Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, NJ 08628 and has a Main Business Address at 1800 Concord Pike, Wilmington, Delaware 19803. Its New Jersey Business ID Number is 06000056509.
4. Upon information and belief, Defendant Novo Nordisk, Inc. is a corporation incorporated under the laws of Delaware and has designated the Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, NJ 08628 and has a Main and Principal Business Address at 100 College Road West, Princeton, New Jersey, 08549. Its New Jersey Business ID Number is 0100441966.
5. Upon information and belief, Defendant Antyra, Inc. is a corporation incorporated under the laws of Delaware and has designated Dr. Neil I. Goldstein to receive process of service at 40 Talmadge Road, Edison, NJ

0888 and has a Main business address at 40 Talmadge Road, Edison, NJ 0888. It has a NJ business ID 0100816669.

6. Upon information and belief, Defendant Solvay Chemicals, Inc. is a corporation incorporated under the laws of Delaware and has designated the Corporation Service Company to receive process of service at business address at 830 Bear Tavern Road, West Trenton, NJ 08628. It has a Main Business address at 3333 Richmond Avenue. It has a New Jersey Business Id Number 0100430211.
7. Upon information and belief, Defendant Solvay Pharmaceuticals, Inc. is a corporation incorporated under the laws of Georgia and has designated the Corporation Trust Company to receive process of service at 820 Bear Tavern Rd., West Trenton, J.J. 08628. It has a main business address at 901 Sawyer Road., Marietta, GA. 30062. It has a New Jersey Business Id Number:0100347070..
8. Upon information and belief, Defendant Aventis Pharmaceuticals Inc. is a corporation incorporated under the laws of Delaware and has designated the Corporation Service Company to receive process of service at 830 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main and Principal Business address at 55 Corporate Drive, Bridgewater, New Jersey 08807. Its previous name was Rorer Pharmaceutical Corporation. Its New Jersey Business Id number is: 01000065822.
9. Upon information and belief, Defendant Aventis Inc. is a corporation incorporated under the laws of Delaware and has designated the Corporation Service Company to receive process of service at 830 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main Business Address at 3711 Kennett Pike Suite 200. It has a New Jersey Business ID Number: 0100898092.
10. Upon information and belief, Defendant Sanofi-Aventis U.S. Inc. is a corporation incorporated under the laws of Delaware and has designated the Corporation Service Company to receive process of service at 830 Bear Tavern Road, West Trenton, N.J. 08628.. It has a Main and Principal Business Address at 55 Corporate Drive, Bridgewater, New Jersey 08807. It has a New Jersey Business ID Number:0100956176.
11. Upon information and belief, Defendant Sanofi-Aventis U.S. LLC. is a corporation incorporated under the laws of Delaware and has designated the Corporation Service Company to receive process of service at 830 Bear Tavern Road, West Trenton, N.J. 08628.. It has a Main and Principal Business Address at 55 Corporate Drive, Bridgewater, New Jersey 08807. It has a New Jersey Business ID Number:0600257026.
12. Upon information and belief, Defendant E.I. Dupont Denemours and Company..is a corporation incorporated under the laws of Delaware and has designated the Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main and Principal Business Address 1007 Market Street D13039, Wilmington, Delaware 19898. It has a New Jersey Business ID Number:364020100.
13. Upon information and belief, Defendant Medimmune LLC.is a corporation incorporated under the laws of Delaware and has designated the Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a New Jersey Business ID Number:0600328676.
14. Upon information and belief, Defendant GlaxoSmithKline LLC. It is a corporation incorporated under the laws of Delaware and has designated the Corporation Service Company to receive process of service at 830 Bear Tavern Road, West Trenton, N.J. 08628. It has a New Jersey Business ID Number:0600352184..
15. Upon information and belief, Defendant SmithKline Beecham Corporation. is a corporation incorporated under the laws of Pennsylvania and has designated the Corporation Service Company to receive process of service at 830 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main Business Address at One

Franklin Plaza, Philadelphia, PA 191. It has a New Jersey Business ID Number 19101. It had a previous name SmithKline Beckman Corporation.

16. Upon information and belief, Defendant Pharmacia Corporation is a corporation incorporated under the laws of Delaware and has designated the Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main Business Address at 100 Route 206 North, Peapack, New Jersey. It has a New Jersey Business ID Number:6215505000. It had the previous name of Monsanto Company.
17. Upon information and belief, Defendant Pharmacia & Upjohn Company LLC is a corporation incorporated under the laws of Delaware and has designated the Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main Business Address at 235 East 42nd Street, New York, N.Y. 10015. It has a New Jersey Business ID Number:0600230808.
18. Upon information and belief, Defendant Monsanto Ag Products LLC is a corporation incorporated under the laws of Delaware and has designated the Corporation Service Company to receive process of service at 830 Bear Tavern Road, West Trenton, N.J. 08628. It has a New Jersey Business ID Number:0600351790.
19. Upon information and belief, Defendant Monsanto Company is a corporation incorporated under the laws of Delaware and has designated the Corporation Service Company to receive process of service at 830 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main Business Address at 800 N Lindbergh Blvd, St. Louis, Mo. 63167. It has a New Jersey Business ID Number:0100828976.
20. Upon information and belief, "John Does" 1 through 61 are those companies who have entered into either licensing agreements or covenants "not-to-sue" with Dyax Corp. John Does have offices or places of business or transact business and enter into contracts either in New Jersey or with companies and individuals located and doing business in New Jersey.

JURISDICTION AND VENUE

21. This action arises under the patent laws of the United States of America and Jurisdiction is founded on Title 28, United States Code § 1331 and 1338 (a). Venue is proper in this Court under Title 28, United States Code § 1391 (c)(d)(e1) and 1400(b)
22. On February 2, 1999 the United States Patent Office issued Patent No. 5,866, 363 entitle Method and Means for Sorting and Identifying Biological Information to Plaintiff. This patent grants plaintiff rights to exclude others to make and own intermediate and end products of libraries of displayed peptides, test species and antibodies that interact with these libraries. Plaintiff originally filed his application with the United States Patent office on August 28, 1985. This patent is effective until February 2, 2016.
23. This Court has jurisdiction over this action pursuant to 12 U.S.C. §1819, 18 U.S.C. §1964, and 28 U.S.C. §1349.
24. Venue is proper in this judicial district pursuant to 28 U.S.C. §1391(b)(2) in that the claims stated herein arose in this district.

CLAIM

25. Plaintiff Pieczenik is the owner of the United States Patent No. 5,866,363 ("the '363 Patent"), which discloses and claims a method and means of identifying biological information. A copy of the '363 Patent is attached as Exhibit A.
26. Deafendents AstraZeneca Pharmaceuticals LP, AstraZeneca LP.,Novo Nordisk, Inc., Antyra, Inc., Solvay Chemicals, Inc., Solvay

Pharmaceuticals, Inc., Aventis Pharmaceuticals Inc., Aventis Inc. Sanofi-Aventis U.S. Inc., Sanofi-Aventis U.S. LLC, E.I. Dupont Denemours and Company, Medimmune LLC, GlaxoSmithKline LLC, SmithKline Beecham Corporation, Pharmacia Corporation, Pharmacia & Upjohn Company LLC, Monsanto Ag Products LLC, Monsanto Company and John Does 1 through 61 own, use and have filed patents claiming methods, products and biological intermediates used in creating and/or using peptide and antibody combinatorial libraries. These patents and patent applications have been filed at a later date than the original filing of the Pieczenik '363 Patent parent and therefore are subject to a 102(e) "snap back" prior art date. Because this '363 patent has now issued, their patents containing claims relating to combinatorial libraries are invalid.

27. Defendants AstraZeneca Pharmaceuticals LP, AstraZeneca LP., Novo Nordisk, Inc., Antyra, Inc., Solvay Chemicals, Inc., Solvay Pharmaceuticals, Inc., Aventis Pharmaceuticals Inc., Aventis Inc. Sanofi-Aventis U.S. Inc., Sanofi-Aventis U.S. LLC, E.I. Dupont Denemours and Company, Medimmune LLC, GlaxoSmithKline LLC, SmithKline Beecham Corporation, Pharmacia Corporation, Pharmacia & Upjohn Company LLC, Monsanto Ag Products LLC, Monsanto Company and John Does 1 through 61 license rights under their patents in New Jersey and throughout the United States and the world.
28. By virtue of defendant's research, commercial and licensing activities, defendants have infringed upon plaintiff's patent and have contributed to others infringing on plaintiff's patent.
29. To the extent that the claims in defendant's patents relate to combinatorial libraries and biologics, therein derived; they are substantially similar to claims in plaintiff's patent and defendant's patents are invalid.

PRELIMINARY ALLEGATIONS

30. This action involves a nexus of infringement in New Jersey. Defendants AstraZeneca Pharmaceuticals LP, AstraZeneca LP., Novo Nordisk, Inc., Antyra, Inc., Solvay Chemicals, Inc., Solvay Pharmaceuticals, Inc., Aventis Pharmaceuticals Inc., Aventis Inc. Sanofi-Aventis U.S. Inc., Sanofi-Aventis U.S. LLC, E.I. Dupont Denemours and Company, Medimmune LLC, GlaxoSmithKline LLC, SmithKline Beecham Corporation, Pharmacia Corporation, Pharmacia & Upjohn Company LLC, Monsanto Ag Products LLC, Monsanto Company and John Does 1 through 61 are corporations and individuals which allow for a situation where their management, scientists and sales personnel 1) infringe on the '363 patent, 2) create companies which infringe the '363 patent and 3) collaborate with companies which infringe on the '363 patent.
31. Upon information and belief, the defendants have a vested interest in denying Pieczenik his rightful recognition of the discovery of combinatorial libraries and biologics thereby derived and his rightful share in royalties and commercial agreements.
32. Upon information and belief, defendants and/or their representatives have colluded and conspired in such a fashion as to make the defendants a Racketeering Institution and Corrupt Organization in science and this organization and its members and their associates have conspired to deny Plaintiff his rightful royalties from the Pieczenik '363 patent.

PRAYER FOR RELIEF

33. Plaintiff requests that:

- a. Judgment be entered that Defendants have infringed the '363 Patent;
- b. A permanent injunction be issued pursuant to 35 USC 271 (e)(4)(B) restraining and enjoining said defendant, its officers, agents, attorneys and employees, and those acting in privity or concert with it, from engaging in the commercial manufacture, use, offer to sell, or sale within the United States, or importation into the United States of any products produced according to defendant's patents, or to license defendant's patents anywhere in the world.
- c. Damages for past infringement;
- d. For such other and further relief as the Court may deem proper under the circumstances.

34. Plaintiff demands a trial by jury.

Dated: May 6, 2010

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